

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MERCK & CIE, BAYER PHARMA AG and)
BAYER HEALTHCARE)
PHARMACEUTICALS INC.,)
)
Plaintiffs,)
)
v.)
)
WATSON LABORATORIES, INC.,)
)
Defendant.)
)

MERCK & CIE, BAYER PHARMA AG and)
BAYER HEALTHCARE)
PHARMACEUTICALS INC.,)
)
Plaintiffs,)
)
v.)
)
WATSON LABORATORIES, INC.,)
)
Defendant.)
)

**STIPULATION REGARDING
AUTHENTICITY OF BUSINESS RECORDS**

Plaintiffs Merck & Cie, Bayer Pharma AG, and Bayer HealthCare Pharmaceuticals Inc. and Defendant Watson Laboratories, Inc. (collectively “Parties”) hereby stipulate and agree as follows:

1. The Parties agree that neither side shall require the other to lay a business record foundation for the introduction of documents produced in discovery (including third party productions) unless it has a good faith belief that the exhibit was not a document created and maintained in the ordinary course of business.

2. The Parties agree that neither side shall object on authenticity grounds to documents produced in discovery (including third party productions) unless it has a good faith belief that the exhibit is not authentic.

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